

**DURHAM, NORTH CAROLINA
MONDAY, DECEMBER 17, 2001
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Excused Absence: Council Member Edwards.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with the Pledge of Allegiance.

Clyde Rainey made a presentation to the Mayor in recognition of the City of Durham being designated as a Habitat for Humanity "21st Century Challenge Community."

Council Member Clement thanked Stephen Martin, Director of the Carolina Theatre and his staff for a wonderful financial report.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Marcia Conner requested Supplemental Agenda Items 1 and 2 be added to the agenda.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to add Supplemental Agenda Items #1 [Proposed Acquisition For Additional Buffer For Brown Water Treatment Plant] and # 2 [Sale Of 1,267 Square Feet Of City Tract #1983, a Parking Lot Located At 109 South Corcoran Street] to the agenda was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Also, City Manager Conner requested a closed session after the regular business of Council to discuss a real estate matter.

SUBJECT: CLOSED SESSION - REAL ESTATE MATTER

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to go into a closed session after the regular business of Council to discuss a real estate matter [instructing City staff to negotiate price and terms of a proposed contract for the acquisition of real property by purchase or option] was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

At this time during the meeting, Mayor Bell noted that Council Member Edwards would not be present tonight due to death in the family.

SUBJECT: EXCUSED ABSENCE - COUNCIL MEMBER EDWARDS

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to excuse Council Member Edwards from the meeting was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

In addition, City Manager Conner made Council aware of changes to the printed agenda.

There were no priority items from the City Attorney.

City Clerk D. Ann Gray swore in Alice Anderson as a member of the Durham Housing Authority.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. **[No items were pulled from the Consent Agenda].**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

[CONSENT AGENDA]

**SUBJECT: PROPOSED 2002 CERTIFICATES OF PARTICIPATION
DECLARATION - POLICE DEPARTMENT FIFTH DISTRICT
SUBSTATION**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a "Resolution Declaring the Intent of the City of Durham to Reimburse Itself for Capital Expenditures Incurred in Connection with the Acquisition of Land, Renovations and Equipping and Furnishing for the Police Department Fifth District Substation, Identification Facility and Special Operations Space from the Proceeds of Certain Tax Exempt Obligations to be Executed and Delivered During Calendar Year 2002" was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Resolution # 8827

SUBJECT: STATUS REPORT ON DURHAM COMPREHENSIVE PLAN UPDATE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a status report from the Administration on the Durham Comprehensive Plan Update; and

To request that the City Manager provide regular reports to the City Council was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

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SUBJECT: UNIVERSITY FORD BIDS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the bid from University Ford in the amount of \$721,020.00 for providing the City with six RWD police pursuit vehicles (Item No. 4), twenty-three police patrol vehicles (Item No. 5), one 8,600 GVWR 4 x 4 extended cab pickup truck (Item No. 11), one 8,600 GVWR crew cab pickup truck (Item No. 12), and one commercial cutaway utility service van (Item No. 16); and

To authorize the City Manager to enter into a contract with University Ford in the amount of \$721,020.00 or providing the City with six RWD police pursuit vehicles (Item No. 4), twenty-three police patrol vehicles (Item No. 5), one 8,600 GVWR 4 x 4 extended cab pickup truck (Item No. 11), one 8,600 GVWR crew cab pickup truck (Item No. 12), and one commercial cutaway utility service van (Item No. 16); and

To authorize the City Manager to modify the contract with the aforementioned bidder before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the contract; and

To waive the requirement for a Performance bond for the aforementioned bidder was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: DOWNTOWN PARKING STUDY

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a report from the Administration on the Downtown Parking Study; and

To adopt the ordinances to implement parking changes, as identified in the Downtown Parking Study, on the following State-system streets was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

a. Great Jones Street

- 1) Two-Hour Parking Ordinance – **Ordinance # 12470**
- 2) Handicap Parking Ordinance – **Ordinance # 12471**
- 3) Ordinance Prohibiting Parking – **Ordinance # 12472**

b. Main Street

- 1) Two-Hour Parking Ordinance – **Ordinance # 12473**
- 2) Handicap Parking Ordinance – **Ordinance # 12474**
- 3) Loading and Unloading Zone Ordinance – **Ordinance # 12475**
- 4) Ordinance Prohibiting Parking – **Ordinance # 12469**
- 5) Ordinance Repealing Certain Traffic Ordinances – **Ordinance # 12476**

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c. Morgan Street

- 1) Thirty-Minute Parking Ordinance – **Ordinance # 12477**
- 2) Two-Hour Parking Ordinance - **Ordinance # 12462**
- 3) Handicap Parking Ordinance – **Ordinance # 12463**
- 4) Ordinance Prohibiting Parking – **Ordinance # 12464**
- 5) Ordinance Repealing Certain Traffic Ordinances – **Ordinance # 12465**

d. Ramseur Street

- 1) Two-Hour Parking Ordinance – **Ordinance # 12466**
- 2) Ordinance Prohibiting Parking – **Ordinance # 12467**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt the ordinance establishing a 25 mile-per-hour speed on the following streets was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

- a. On Albemarle Street from Main Street to Morgan Street
- b. On Duke Street from Main Street to Morgan Street
- c. On Fuller Street from Main Street to Morgan Street
- d. On Gregson Street from Main Street to Morgan Street
- e. On Great Jones Street from Morgan Street to Chapel Hill Street
- f. On Main Street from Great Jones Street to Gregson Street
- g. On Morgan Street from Mangum Street to Main Street
- h. On Ramseur Street from Mangum Street to Chapel Hill Street

Ordinance # 12468

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: SIDEWALK ON WATTS STREET (EAST SIDE) - FROM SOUTH PROPERTY LINE OF TAX MAP 16-8-2 TO NORTH PROPERTY LINE OF TAX MAP 17-1-9

Lee Murphy, of the Public Works Department, briefed Council on this item.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Frances Welch, of 1022 Demerius Street, spoke in support of this item.

Ralph Ariail, of 1206 Watts Street, spoke in support of this item making comments about the petition.

Tom Brooks, of 1308 Watts Street, spoke in support of improvement.

Ida Whitaker, of 1310 Watts Street, informed Council that she supports this item.

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Mayor Bell declared the public hearing closed.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to adopt a resolution ordering sidewalk on Watts Street (East Side) from south property line of Tax Map 16-8-2 to north property line of Tax Map 17-1-9 was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: MINIMUM DIRT STREET OPENING ON YORKSHIRE DRIVE - FROM SOUTH PROPERTY LINE OF TAX MAP 768-2-6B TO NORTH PROPERTY LINE OF TAX MAP 768-2-7

Lee Murphy, of the Public Works Department, briefed Council on this item.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Kathy Wright Moore, of 5117 Sourwood Drive, urged Council to support this item.

Mayor Bell declared the public hearing closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to adopt a resolution ordering minimum dirt street opening on Yorkshire Drive - from south property line of Tax Map 768-2-6B to north property line of Tax Map 768-2-7 was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: SEWER MAIN ON SO-HI DRIVE FROM EASTWOOD DRIVE TO NORTH PROPERTY LINE OF TAX MAP #555-3-30A (UNDER THE ENABLING ACT AUTHORITY)

Lee Murphy, of the Public Works Department, briefed Council on this item.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution ordering sewer main on So-Hi Drive from Eastwood Drive to the north property line of Tax Map #555-3-30A under the Enabling Authority was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: SOUTHWEST DURHAM PLAN AMENDMENT - (CASE A01-09)

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To receive citizens' comments on the Southwest Durham Plan Amendment; and

To adopt the "City Council Resolution Amending Southwest Durham Plan Case A01-09."

Planning Commission's Recommendation: Approval (7-0)

Planning Department's Recommendation: Approval

Bonnie Estes, of the City/County Planning Department, briefed Council on the plan amendment.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Mickey Herrin, representing the applicant, spoke in support of this item noting the plan amendment was submitted in conjunction with rezoning case P01-64 so that the area could be used for office space.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Stith to receive citizens' comments on the Southwest Durham Plan Amendment; and

To adopt the "City Council Resolution Amending Southwest Durham Plan Case A01-09" was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Resolution # 8825

SUBJECT: ZONING MATTER CASE: P01-64 - GERALD J. HALL - 3.8684 ACRES ON THE SOUTHWEST CORNER OF UNIVERSITY DRIVE AND CHAPEL HILL ROAD

Case: P01-64

Applicant: Gerald J. Hall

Request: Rezoning from R-8 (Residential 8 District) to OI-2(D) (General Office and Institutional District with a Development Plan)

Location: 3.8684 acres on the southwest corner of University Drive and Chapel Hill Road (City Atlas Page 28, C-1)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above property out of R-8 and placing same in and establishing same as OI-2(D).

Zoning Committee's Recommendation and Vote: Approval (7-0)

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Planning Department's Recommendation: Approval

Nazeeh Abdul-Hakeem, of the City/County Planning Department, briefed Council on the staff report.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Bob Zumwalt, representing the applicant, spoke in support of this rezoning making comments on tree saving and access issues. Also, he noted the applicant would be providing 173 spaces for on-site parking.

Council Member Clement raised a concern about egress.

After the proponent spoke, Victoria Peterson, of P. O. Box 101, raised a concern noting when presentations are made on new development, they should be visible to the audience and public.

No one spoke in opposition to this rezoning.

The public hearing was declared closed by the Mayor.

MOTION by Council Member Clement seconded by Council Member Stith to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above property out of R-8 and placing same in and establishing same as OI-2(D) was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: ZONING MATTER CASE: P01-47 - WOOD PARTNERS, INC. (ERWIN SQUARE LIMITED PARTNERSHIP) - 5.67 ACRES ON THE SOUTHEAST CORNER OF HILLSBOROUGH ROAD AND BOLTON STREET

Case: P01-47

Applicant: Wood Partners, Inc. (Erwin Square Limited Partnership)

Request: Rezoning from I-2 (Light Industrial District) and R-3 (Residential 3 District) to RM-CN-60(D) (Residential Multifamily Compact Neighborhood, Maximum Density of 60 Units Per Acre, District with a Development Plan)

Location: 5.67 acres on the southeast corner of Hillsborough Road and Bolton Street (City Atlas Page 23, A-3 and 4)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-2 and R-3 and placing same in and establishing same as RM-CN-60(D).

Zoning Committee's Recommendation and Vote: Approval (7-0)

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Planning Department's Recommendation: Approval

Nazeeh Abdul-Hakeem, of the City/County Planning Department, briefed Council on the staff report and noted that staff recommended approval.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Attorney Jack Markham, representing the applicant, spoke in support of this rezoning making comments about the proposal highlighting the conceptual renderings, streetscape, parking, and bus and transit route issues. He urged Council to approve this rezoning.

John Schelp, of 1022 Rosehill, spoke in support of this item noting the neighborhood association supports the project and encouraged Council to approve rezoning.

Opponents

Victoria Peterson, of P. O. Box 101, raised a concern about the height of the buildings. Due to an affordability issue, she requested the developer to set aside a part of the facility for low-to-moderate-income persons.

Mark Walker, the developer, noted one of the issues raised by the neighborhood was the height of the buildings and they have been scaled down to three and four levels. Also, he stated the cost of renting these units would range from \$700 to \$1,250 a month.

Mayor Bell noted there are no units that are affordable and hope that there would be an opportunity to meet with the developer to subsidize a certain amount of apartments in that development.

Dr. Anita Keith-Foust, of 323 W. Trinity Avenue, spoke in support of having affordable units and urged Council to look out for all income levels in Durham.

Steve Hopkins, of 920-B Wadesboro Street, raised a question relative to the transit stop near the complex. He wanted to know who is going to need the transit system more, people who can afford it or the low- to- moderate-income persons?

Mayor Bell declared the public hearing closed.

Dick Hails, Acting City/County Planning Director, commented on the station location designated by Triangle Transit Authority and the compact neighborhood plan.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-2 and R-3 and placing same in and establishing same as RM-CN-60(D) was approved at 7:56 p.m. by the following vote: Ayes: Mayor Bell,

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Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: HUNTINGTON RIDGE/SCOGGINS PROPERTY- ANNEXATION –
PARKWOOD VOLUNTEER FIRE DEPARTMENT**

Vincent Taylor of the Budget Office made comments about a technical correction. He noted the area is non-contiguous to the City limits and the provision of the Charter is 160A-58 rather than 160A-31.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Tony Tate, representing the applicant, spoke in support of this annexation and noted that a PDR plan will come back to Council in February.

Stella Adams, of 4128 Cobblestone Place, spoke in opposition to spot annexations of communities that are not abutting against the current City limits until there is a critical need.

The Mayor declared the public hearing closed.

Based on the cost benefit analysis, Mayor Bell noted there is a benefit to the City in terms of expected revenue minus expected expenditures that the City will occur by annexing the area.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to receive citizens' comments concerning annexation of the Huntington Ridge/Scoggins property; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 .Et.SEQ. (Huntington Ridge Scoggins Property)"; and

To authorize the City Manager to pay the affected Volunteer Fire Department, Parkwood, under the debt service provisions of NC General Statute was approved at 8:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Ordinance # 12478

[OTHER MATTERS]

SUBJECT: NC 54/I-40 CORRIDOR STUDY PLAN

To receive a report from the Administration--clarifying language on Kentington Heights Future Land Use Plan.

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To adopt the NC 54/I-40 Corridor Study Plan (including Corridor Study Draft Plan, two parts-- Narrative and Map Book; update dated June 25, 2001; and update labeled Housing).

Dick Hails, Acting City/County Planning Director, gave an overview of three options representing the types of development that could occur in the Kentington Height's area [handouts provided].

Mayor Bell made comments noting this is a land use plan and not a rezoning matter.

The following individuals spoke in support of the land use plan for Kentington Heights as it presently exists noting it represents what the community supported and they are opposed to future commercial development: Walter McMiller, Graham Green, Fred Broadwell, Patrick Murphy, Liz Pullman, Jim McDonald, Pete Schubert, Venel Brown, Steve Bocckino and Floyd McKissick.

The following individuals spoke in opposition to the current land use plan noting they support general commercial zoning due to economic and environmental issues: Attorney Ken Spaulding, Alvin McMillan, Brenda Burnette, Antoinette Hawes, Dr. Anita Keith-Foust, Rev. Curtis Gatewood, Jim Jervis, Baby Ruth Nicholson, Angela Langley and Norman Ballard.

Mayor Pro Tempore Cheek spoke in opposition to changing the land use plan noting it is reasonable. Also, he noted that Option 3 clarifies what Council did a year ago.

Council Member Clement made comments about the conditions in Kentington Heights and spoke in support of Option 1.

Council Member Stith spoke in support of clarifying language for higher commercial use.

Council Member Best noted all options should be on the table and spoke in support of Option 1.

Mayor Bell made comments on this item relative to his vote as a former County Commissioner noting that he supported mixed use and on the appraisal that had been completed for that area. He noted he hasn't heard anything different that would change the description of the land use plan voted on by the County Commissioners and the City Council.

MOTION by Council Member Clement seconded by Council Member Best to approve Option 1 [General Commercial Zoning] as the land use plan for Kentington Heights **FAILED** at 9:14 p.m. by the following vote: Ayes: Council Members Best, Clement and Stith. Noes: Mayor Bell, Mayor Pro Tempore Cheek and Council Member Cole-McFadden. Excused Absence: Council Member Edwards.

MOTION by Council Member Stith seconded by Council Member Best to approve Option 2 [Mixed Use Zoning or Equivalent Development with Commercial Zoning] as the land use plan for Kentington Heights **FAILED** at 9:15 p.m. by the following vote: Ayes: Council Members Best and Stith. Noes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement and Cole-McFadden. Excused Absence: Council Member Edwards.

MOTION by Council Member Clement seconded by Council Member Best to approve Option 3 [Office and Residential Zoning—permitting limited commercial uses] as the land use plan for Kentington Heights **FAILED** at 9:16 p.m. by the following vote: Ayes: Mayor Pro Tempore

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Cheek and Council Member Cole-McFadden. Noes: Mayor Bell and Council Members Best, Clement and Stith. Excused Absence: Council Member Edwards.

Mayor Bell asked the administration what is the status of the land use plan.

City Attorney Blinder noted it would exist in the current form with the apparent ambiguities as to land use.

Dick Hails, Acting City/County Planning Director, noted the wording adopted last year for Area A would remain unchanged. Also, he urged Council to vote on Areas B and C of the NC 54/I-40 Corridor Study Plan.

A motion was made by Mayor Pro Tempore Cheek to adopt Areas B and C. The motion dies for a lack of a second.

City Manager Conner noted for clarification that Option 3 is the language that was already in the plan and Council voted it down.

MOTION by Council Member Clement seconded by Council Member Best to continue this item until the January 7, 2002 City Council Meeting was approved at 9:25 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement and Stith. Noes: Mayor Pro Tempore Cheek and Council Member Cole-McFadden. Excused Absence: Council Member Edwards.

SUBJECT: NORTH EAST CENTRAL DURHAM REVITALIZATION TECHNICAL ASSISTANCE - NEIGHBORING CONCEPTS LLC

To authorize the City Manager to enter into a contract with Neighboring Concepts, LLC to provide technical assistance in developing a strategic redevelopment plan for the City's NECD target area in an amount not to exceed \$95,000; and

To authorize the City Manager to modify the contract with Neighboring Concepts, LLC before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the contract.

Charlene Montford, Housing Director, briefed Council on this item.

Council Member Cole-McFadden spoke in support of staff ensuring there is a payment schedule to outline tasks/target dates for each phase to be completed.

Charlene Montford, Housing Director, stated the project would last from nine months until a year.

Council held discussion on the local investment for this project.

Council Member Stith raised a concern about the future timing of contracts.

In the future, City Manager Conner noted that discussion will be held on contracts at the first meeting and would ask Council to approve them at the next meeting.

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Vivian McCoy, of P. O. Box 11751, spoke in support of this item noting the plan will benefit the community.

Stella Adams, representing NC Fair Housing Center, urged Council to approve this item so that a holistic approach would be put in place for the community.

Jackie Wagstaff, a resident of NECD, noted that PAC met and noted this would be a perfect match for the NECD area. Also, she requested the administration to consider Kristen Rosselli to work with Neighboring Concepts.

Steve Hopkins, of 920-B Wadesboro Street, spoke in support of this proposal.

Victoria Peterson, of P. O. Box 101, asked for clarification on this item relative to the Durham Housing Authority.

Charlene Montford, Housing Director, noted the City is working with the Durham Housing Authority to develop a strategic plan for the NECD area.

Victoria Peterson noted there needs to be a community task force to make sure funds are used properly.

Dr. Anita Keith-Foust, of 323 W. Trinity Avenue, urged Council to support this project.

City Attorney Blinder noted motions for this item have been amended.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to authorize the City Manager to enter into a contract for \$90,000 in consulting fees and up to an additional \$5,000 in expenses with Neighboring Concepts LLC to provide technical assistance in developing a strategic redevelopment plan for the City's North East Central Durham target area; and

To authorize the Manager to make modifications to the contract such that the consultant's obligations are not lessened and the cost to the City is not increased as amended was approved at 9:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to excuse Mayor Bell and Council Member Clement from the following item was approved at 9:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: SELECTION OF MUTUAL COMMUNITY SAVINGS BANK, INC., SSB FOR SMALL BUSINESS LOAN PROGRAM SERVICING

Charlene Montford, Housing Director, made comments on this item and discussed how Mutual Community Savings Bank, Inc., SSB was recommended by the administration.

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Council held discussion on servicing/repackaging current loans and new loans.

City Manager Conner noted the administration will bring back a proposal on the small business loan program and economic development program.

Victoria Peterson, of P. O. Box 101, urged the City to reimburse the taxpayers.

Brenda Burnette, of 923 Onslow Street, raised a concern relative to Mayor Bell serving as Chair of Mutual Community Savings Bank, Council Member Clement having stock with them and the City not submitting a RFP.

City Manager Conner noted this process was initiated prior to the current Council sitting and outlined the reason why a RFP was not completed.

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to adopt a “Resolution Authorizing the Execution of the Small Business Loan Program Servicing Agreement with the Mutual Community Savings Bank, Inc., SSB” was approved at 9:56 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

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Note: Mayor Bell and Council Member Clement abstained from voting on this item.

**SUBJECT: HAYTI DEVELOPMENT CORPORATION FY 2001-02 NON-CITY
AGENCY CONTRACT - 912 MORNING GLORY AVENUE**

Vann McNeill, of Housing Department, briefed Council on this item.

Vivian McCoy, of P. O. Box 11751, spoke in opposition to Hayti receiving funds from the City for any housing project.

Steve Hopkins, of 920-B Wadesboro Street, raised a concern about Hayti’s completion of housing projects and urged the Council to not support Hayti’s request to turn an affordable house into a daycare in NECD.

Jackie Wagstaff, of 227 N. Briggs Avenue, spoke in opposition to this item based on Council’s previous action to hire and train a project manager and then turn that person over to Hayti.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to extend meeting beyond 10:00 p.m. was approved at 10:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Ester Utley, Executive Director of Center of My Joy, spoke in support of an Adult Day Care Center.

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Dr. Beverly Rose, Chair of Hayti, urged Council's favorable consideration of this proposal.

Dr. W. Edwin Buird, Chair of Center of My Joy, spoke in support of this item.

Keith Bishop, of 4225 Bluffs Lane, urged Council to support their efforts.

Bridgette Rasberry, Hayti Development Corporation, spoke in support of this project.

City Manager Conner explained what is a non-city agency and noted that the City is approving funding for Hayti to rehab a house.

Council Member Best requested information on the non-city agency program and amount of funding Hayti has received from the City and its successes.

Council Member Clement spoke in support of Hayti's efforts to revitalize the community.

MOTION by Council Member Clement seconded by Council Member Stith to authorize the release of Hayti Development Corporation's Non-City Agency funds for the rehabilitation and conversion of the property located at 912 Morning Glory Avenue, which is owned by Hayti Development Corporation, for neighborhood commercial use was approved at 10:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden and Stith. Noes: Council Member Best. Excused Absence: Council Member Edwards.

**SUBJECT: STATUS REPORT ON LYON PARK COMMUNITY CENTER -
CALVARY MINISTRIES OF THE WESTEND COMMUNITY, INC. -
COMMUNITY FAMILY LIFE AND RECREATION CENTER AT LYON
PARK**

a. Lyon Park Community Center Construction

To receive a status report from the Administration concerning the construction of the Lyon Park Community Center; and

To authorize the City Manager to enter into an "Amendment to Development Agreement" with Calvary Ministries of the Westend Community, Inc. to increase the project budget by \$350,000, from \$6,400,000 to \$6,750,000; and

To adopt "An Ordinance Amending General Capital Improvement Project Ordinance, As Amended, the Same Being Ordinance #12431"

b. Lyon Park Community Center - Future Operations

To direct the Administration to prepare a Joint Use Agreement for the Community Family Life and Recreation Center at Lyon Park that assumes the City's operation of the Center and the provision of an annual review between the City and Calvary Ministries of the Westend Community, Inc.

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Laura Gill, Acting Property & Facilities Management Director, gave an overview of the following handouts: revised amendment to Development Agreement, 1998 Development Agreement, December 17, 2001 memo from Rev. Frederick Davis and December 17 memo from the administration regarding additional information concerning Community Family Life & Recreation Center at Lyon Park.

Angela Langley, spoke in support of this item for the children and older adults.

Rev. Frederick Davis, urged Council to continue the partnership in developing the Community Family Life and Recreation Center.

Stella Adams, of 4128 Cobblestone Place, noted a five percent cost overrun is not too much due to inflation.

Rita Bryant, of 917 W. Murray Avenue, spoke in support of this project.

Floyd McKissick, a resident of Herndon Road, spoke in support of proposal.

Frank Jacobs, of 3801 Delmar Drive, noted the Center is necessary for the children.

Tracey Lovette, of 835 Jerome Road, encouraged Council to work to make this happen for the citizens of Durham.

Lucy Haggen, 1516 Blount Street, spoke in support of this item urging Council to recognize how critical the partnership is to the revenue stream and the vision of the Center.

Dr. Anita Keith-Foust, of 323 W. Trinity Avenue, spoke in favor of this proposal.

Laura Gill, Acting Property & Facilities Management Director, gave an overview of the five-year projection (FY 2003 – 2007) for City operations of the Community Family Life Center at Lyon Park.

Johnny Ford, Director of Parks & Recreation, highlighted the programs that the Parks & Recreation Department would run at the Center.

Mayor Pro Tempore Cheek asked the administration about the length of time the City would be operating the facility before being taken over by Calvary Ministries and asked if City would anticipate continuing an obligation of \$350,00 a year.

Johnny Ford, Director of Parks & Recreation, replied three to five years. He noted in reference to the \$350,000 obligation, that's correct from a Parks and Recreation prospective and it was designed like that from the beginning that it would always be a partnership.

Mayor Pro Tempore Cheek asked Rev. Davis if Calvary Ministries plans to borrow \$100,000 to put in with the \$350,000.

Rev. Davis, of Calvary Ministries, replied yes and noted they are still looking at other avenues.

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Mayor Pro Tempore Cheek asked the administration for clarification on the \$350,000 to get a certificate of occupancy, what would it cost to get Lyon Park complete and where the funding would come from.

Laura Gill, Acting Property & Facilities Management Director, noted the total amount would be \$450,000 of which \$100,000 would come from Calvary Ministries. Also, she noted it would cost an additional \$550,000 to get it complete and this amount would not come from the City.

Mayor Pro Tempore Cheek asked Rev. Davis if there are funding sources identified to help with the additional \$550,000.

Rev. Davis noted there are no main funding sources but they are asking various organizations to tie in with the program scope.

Council Member Clement noted the City cannot afford to abandon this project and asked the City Manager what would it take for the City to take over the entire project.

City Manager Conner noted what is being proposed now is that the Council authorize the City to negotiate an operating agreement for the City. The City would take over the operations and work out some partnership with Calvary Ministries. At the end of the five-year period, the City would have some measure of determining if they have the capacity to operate the facility. The actual cost to operate the total facility is projected to be \$623,000 and that includes the \$350,000 for Parks as well as the \$274,000 that is needed for additional proponents to provide landscaping, etc.

Council Member Clement asked Rev. Davis what is the size of the current board.

Rev. Davis replied 15 with two representatives [City Council Member and Recreation Advisory Council member] to be assigned by the City.

Council Member Clement spoke in support of Council taking over the board and raised a concern about an article in the newspaper noting Calvary Ministries did not follow the administration's recommendation regarding the kitchen and steel track.

City Manager Conner suggested an Advisory Group could assist with the oversight of the operations. Also, the Manager noted the recommendations made by the administration were not totally ignored by Calvary Ministries because discussion was held on the appropriateness of these items.

City Manager Conner urged Council to approve Item A and allow staff to work on the management agreement.

Council Member Clement requested that the members of the Advisory Board have real power to direct the operation.

Council held discussion on Advisory Board, funding sources and fund raising efforts of Calvary Ministries.

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Rev. Davis noted he would provide Council with a report on fundraising efforts.

Council Member Best raised a concern about the way this matter has been handled by Calvary Ministries. He noted in future discussions, he would like to see the option of providing a written notice to Calvary Ministries of failure to perform as one of the alternatives.

a. Lyon Park Community Center Construction

MOTION by Council Member Clement seconded by Council Member Stith to receive a status report from the Administration concerning the construction of the Lyon Park Community Center; and

To authorize the City Manager to enter into an "Amendment to Development Agreement" with Calvary Ministries of the Westend Community, Inc. to increase the project budget by \$350,000, from \$6,400,000 to \$6,750,000; and

To adopt "An Ordinance Amending General Capital Improvement Project Ordinance, As Amended, the Same Being Ordinance #12431" was approved at 11:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden and Stith. Noes: Council Member Best. Excused Absence: Council Member Edwards.

Ordinance # 12479

b. Lyon Park Community Center - Future Operations

To direct the Administration to prepare a Joint Use Agreement for the Community Family Life and Recreation Center at Lyon Park that assumes the City's operation of the Center and the provision of an annual review between the City and Calvary Ministries of the Westend Community, Inc.

City Manager Conner noted the administration will bring back an operating agreement at the March 18, 2002 City Council Meeting.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to direct the manager to bring back an operating statement for the Community Family Life and Recreation Center at Lyon Park at the March 18, 2002 City Council Meeting was approved at 11:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

[SUPPLEMENTAL ITEM]

SUBJECT: EXTENSION OF THE SUNSET PERIOD FOR THE ORDINANCE TO PROMOTE CITY CONTRACTING WITH MINORITY AND WOMEN BUSINESS ENTERPRISES

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an "Ordinance Extending the Sunset Period for the Ordinance to Promote City Contracting with

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Minority and Women Business Enterprises” through June 30, 2002 was approved at 11:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Ordinance # 12480

[ITEMS ADDED TO THE AGENDA]

SUBJECT: PROPOSED ACQUISITION FOR ADDITIONAL BUFFER FOR BROWN WATER TREATMENT PLANT - GOODWIN ROAD - CATHERINE P. GIBSON

Betty Pittard of the Real Estate Department made comments on this item.

Mayor Pro Tempore Cheek asked the administration if an appraisal was done on the property.

Betty Pittard of the Real Estate Department replied two appraisals were completed.

Council Member Stith raised a concern about the urgency of this item.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Best to approve the acquisition of approximately 73.6 acres of property located on Goodwin Road, Tax Map 828-01-001, property of Catherine P. Gibson, with the total payment being \$625,000 was approved at 11:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement and Cole-McFadden. Noes: Council Member Stith. Excused Absence: Council Member Edwards.

SUBJECT: SALE OF 1,267 SQUARE FEET OF CITY TRACT #1193, PARKING LOT LOCATED AT 109 SOUTH CORCORAN STREET

To declare as surplus 1,267 square feet of City Tract 1983, a.k.a. Tax Map 019-01-012, located at 109 South Corcoran Street and to approve a resolution authorizing the Mayor, under G.S. 160A-267 to execute a deed conveying 1,267 of City Tract #1983, a portion of a parking lot located at 109 South Corcoran Street, to the owners of 121 – 123 West Main Street for \$1,000.

Betty Pittard of the Real Estate Department made comments on this item making comments about an alleyway issue.

City Attorney Blinder briefed Council on a technical correction noting that the Charter Section is 86 rather than G.S. 160A-267.

Council Member Stith asked the administration if a survey was completed.

Betty Pittard of the Real Estate Department replied yes.

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to declare as surplus 1,267 square feet of City Tract 1983, a.k.a. Tax Map 019-01-012, located at 109 South Corcoran Street and to authorize the Mayor, under Charter 86, to execute a deed conveying 1,267 of City Tract #1193, a portion of a parking lot located at 109 South Corcoran Street, to the owners of 121-123 West Main Street for \$1,000 as amended was approved at 11:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

As chair of the Subcommittee to Study Benefits of Developing an Entertainment Venue, Council Member Best requested information on what the City has been charged with relative to this issue.

Mayor Bell noted that he asked the City Manager to get in contact with Council Member Best to put together the committee and come back with a status report on where the City is regarding the entertainment venue.

There being no further business to come before the City Council, the meeting was adjourned into closed session at 11:46 p.m.

[OPEN SESSION]

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to go into open session was approved at 11:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

There being no further business to come before the City Council, the meeting was adjourned at 11:55 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk